

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK D. ANDERSON,

Petitioner,

**CASE NUMBER: 05-73199
HONORABLE VICTORIA A. ROBERTS**

v.

RAYMOND BOOKER,

Respondent.

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ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on Mark Anderson's ("Petitioner") Motion for Reconsideration. On September 22, 2006, this Court entered an Order denying Petitioner's Motion to Exclude Respondent from Presenting an Argument Challenging Petitioner's Habeas Corpus [Petition]; Motion for Order to Show Cause for Writ of Habeas Corpus; and Motion to Request an Order for Stay of the Proceedings to Exhaust State Court Violations Presented in Application for Habeas Corpus. Petitioner requests the Court to reconsider its Order on the grounds that the Court failed to address his unexhausted constitutional claims in deciding whether to hold Petitioner's habeas petition in abeyance.

Eastern District of Michigan Local Rule 7.1(g) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. "A 'palpable defect' is a defect which is obvious, clear,

unmistakable, manifest, or plain.” *Fleck v. Titan Tire Corp.*, 177 F.Supp.2d 605, 624 (E.D.Mich. 2001). “[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” L.R. 7.1(g)(3).

Petitioner fails to make the required showing for reconsideration. The Court addressed the claims that Petitioner identified as requiring exhaustion and found that he did not establish good cause for his failure to exhaust his claims. Thus, the Court is not persuaded that its ruling contained manifest errors of law. Petitioner’s motion is **DISMISSED.**

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 31, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on July 31, 2007.

s/Carol A. Pinegar
Deputy Clerk